



Indiana Economic Development Corporation

One North Capitol, Suite 700
Indianapolis, Indiana 46204
Tel 317.232.8800
Fax 317.232.4148
www.iedc.in.gov

April 27, 2007

Steve Lucas
Director of Hearings
Indiana Natural Resources Commission

Dear Mr. Lucas:

Pursuant to IC 4-22-2-28, the Indiana Economic Development Corporation ("IEDC") has reviewed the economic impact analysis for small business associated with new rules in LSA 06-605 proposed by the Indiana Department of Natural Resources (DNR).

The rule changes amends 312 IAC 11-5-2, which governs lawful nonconforming uses for structures subject to licensure under IC 14-26-2. The proposed rule provides greater specificity to the processes used to evaluate lawful nonconforming uses and specifies that the person claiming a lawful nonconforming use has the burden for establishing conformity. Entities potentially affected by the rule include operators of piers on public freshwater lakes. Entities would only be subject to the provisions of the rule if they are seeking to retain the claim to a lawful nonconforming use on piers that exceed 150 feet long (or, on Bass Lake in Starke County, that exceed 300 feet long). DNR estimates there are approximately 30 such operators in Indiana, with approximately 5 of these entities being classified as small businesses.

The DNR expects that costs to small businesses as a result of the rule would not be substantial. The proposed amendments provide an extensive listing of documents from which to choose in support the request. Although the cost of preparing the request would vary based on individual circumstances and the nature of the request being made, the typical costs associated with such a request would likely include staff time, travel costs, and printing/copying costs. Based on experience the DNR expects these costs would not exceed \$120 per request. Therefore if five small businesses each filed one request the total impact of the rule would be \$600 [5 X 1 X \$120].

The IEDC does not object to the economic impact associated with the proposed rule. The anticipated costs associated with the rule are reasonable given the DNR's interest in preserving the natural resources of Indiana's freshwater lakes. If you have any questions about the comments contained herein please contact me at 232-8962 or rasberry@iedc.in.gov.

Regards,

Ryan Asberry
Director - Research
Indiana Economic Development Corporation